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FACSIMILE TRANSMITTAL SHEET

To:

Examiner Charles A. Marmor, II - Group Art Unit 3736

FIRM/COMPANY:

Mail Stop Amendment / USPTO

FACSIMILE NUMBER:

703.872.9306

CONFIRMATION

TELEPHONE:

703.305.3521

FROM:

Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL:

415.371.2231

DATE:

December 28, 2004

USER NUMBER:

5121

FILE NUMBER:

Atty Docket No. R0367-00202, USSN 10/004,987

TOTAL # OF PAGES:

(INCLUDING COVERSHEET)

20

MESSAGE:

Attached is an Amendment in Response to Office Action Mailed

10/01/2004 and Termina! Declaimer (by Attorney).

NOTE: Original will not follow

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PATENT

	Ĺ	N THE UNITED STA	TES PATE	NT AND TR	ADEM	ARK OFF	ICE .	
In re the application of) Examiner: Charles A. Marmor, II			
	Burban	k, et al.)					
For:	MET:	HODS AND APPARA	TUS FOR)	Group.	Art Unit:	3736	
		IRING MEDICAL IN						
		RED LOCATIONS IN	NA PATIE	NT'S {		•		•
	BOD			, ,	TRAN	<u>SMITTAI</u>	<u>.</u>	
Serial No.: 10/004,987				į				
Filed	: Decen	iber 4, 2001)					
Atty.	Docket:	No.: R0367-00202	. а	Ś				
I he	ereby certify whendment,	CERTIFICATE OF N that these papers are being sent b Commissioner for Parents, P.O. Bo	fagsimile to Figure 5/1450, Alexandri Anne Mar	une Charles A. Ma 2313-2450, ce card	TTO 37 C.I Imar, II (703 an <u>Decembe</u>	7.R. §1.8 () 872-9306, add e <u>r 28, 2004,</u> in S	ressed to Mail Stop an Francisco, CA.	
Mail	Stop Am	endment						
		for Patents	•					
	Box 1450	A 22313-1450						
	-	A. 22313-1430						
Dear								
		tted herewith for filing						
		ponse to Office Action	iviaited 10/0	1/20/04 and 1	erminal	Disclaime	(by Attorney	<u>/</u>).
2.	_X_	ee Calculation No additional claim fe	e is required	1				
		Amendment increases			tinle den	endencies		
				Claina Fee Ca				
		Description	Fee Code	e laims	Extra	Rate	Fee 5	
		Independent Claims	2201	10 - 12 =	0 x	\$100=	\$ 0	
	•	Total Claims	2202	38 – 41 =	0 x	\$25=	\$ 0	
				Additiona		Fee	\$ O	
3. ·	Addition	nal fees: Terminal Disc	laimer fee u	nder 37 CFR	<u>1.20(d)</u> .	• • • • • • • • • • • • •	<u>\$55</u>	-
4.	Payment	of Fees						
_		Enclosed is a check for	r the total fe	es due in the	amount (of		
-	<u>X</u>	The Commissioner is a	authorized to	charge any i	fees and	to credit ar	iy overpayme	nt
		of fees which may b	e required	under 37 C.	F.R. §1	.16 or §1.	17, to Depor	sit
•		Account No 04-1679,	reterencing.	Atty, Docket	<u>No. R03</u>	<u>68-00202</u> .		
			. Ву	dison				_
Duana	Morris	τγn		Edward J.	Lynch			
One N	farket	_		Registratio	n No. 24	+, 4 22		
_	_	0 th Floor		•				
	-	CA 94105				•		
_		15) 371-2200					_	
Direc	t 1) :18f(t) J	(415) 371-2267				•	•	

Facsimile: (415) 371-2201

PATENT

	IN THE UNITED STAT	ΓES PATE	NT AND TR	ADEM	ARK OFF	TCE				
In re the app	plication of unk, et al.)	Examir	es A. Marmor, II					
SEC	THODS AND APPARA TURING MEDICAL INS SIRED LOCATIONS IN DY	STRUMEN			Art Unit:					
Serial No.:	10/004,987)	IRAN	<u>SMITTAI</u>	≼					
Filed: Dece	mber 4, 2001	. į		٠						
Atty. Docke	t No.: R0367-00202)	•		•				
CERTIFICATE OF MAN INC/FACTIMILE PURSUANT TO 37 C.F.R. §1.8 I hereby certify that these papers are being sent by facsimile to Examine Charles A. Marmor, II (703) 872-9306, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, 18: 2313-3450, on December 28, 2004, in San Francisco, CA. Anne Marie Leavy										
P.O. Box 14	er for Patents	755,617.50			l	COPY				
Dear Sir:										
1. Transmitted herewith for filing in the above-identified patent application is an Amendment and Response to Office Action Mailed 10/01/2004 and Terminal Disclaimer (by Attorney).										
		vianed 10/0	1/20/J4 and 1	erminal,	Disclaime	r (by Attorney).				
2. Claim X	Fee Calculation No additional claim fee	s ic romirai	ı							
				inle den	endencies					
Amendment increases number of claims or multiple dependencies. Additional Claim Fee Calculation										
			s Chans			Eee .				
	Independent Claims	2201	10 – 12 =	0 x	\$100=	\$ 0				
	Total Claims	2202	38 – 41 =	0 x	\$25=	\$ 0				
			Additional	Claims	Fee	\$ 0				
3. Addition	onal fees: Terminal Discl	<u>aimer fee u</u>	nder 37 CFR	1 <u>20(d)</u>		<u>\$5</u> 5				
4. Payme	nt of Fees Enclosed is a check for The Commissioner is a of fees which may be Account No 04-1679, r	uthorized to e required	charge any funder 37 C.	ees and : F.R. §1.	to credit at	17, to Deposit				
Duane Morris LLP Registration No. 24,422 One Market										
Spear Street,	20 th Floor					•				
San Francisco, CA 94105										
	(415) 371-2200									
	(415) 371-2267 415) 371 - 2201									
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DEC 2 8 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of Burbank et al.

Examiner: Charles A. Marmor, II

Group Art Unit: 3736

For: **METHODS AND APPARATUS FOR** SECURING MEDICAL INSTRUMENTS TO DESIRED LOCATIONS IN A

PATIENT'S BODY

TERMINAL DISCLAIM (BY ATTORNEY)

Serial No.: 10/004,987

Filed: December 4, 2001

Atty. Docket No.: R0367-00202

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

at Mail Stop Amendment, Commissioner for Patents, P.

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. (SenoRx). The assignee is the registered owner of all right, title and interest in and to the above-identified application.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,312,429; 6,540,693; 6,540,695; 6,638,234; 6,679,851; and 6,716,179 is hereby disclaimed on behalf of SencRx.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to the

above referenced U.S. Patents. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the above referenced U.S. Patents in the event that these patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims cancelled by a reexamination certificate, or are otherwise terminated prior to the expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted.

Edward J. Lynch

Registration No. 24,422 Altorney for Applicants

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